

governments. It does not withstand scrutiny.

The May 2005 San Pablo Peninsula Open Space Study by California State Coastal Conservancy, Chevron Richmond Refinery, City of Richmond, East Bay Regional Park District, Muir Heritage Land Trust and Trails for Richmond Action Committee calls for:

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“..... developing Point San Pablo (Terminal 4) for public recreation use, establishing a park along the Point Molate shoreline, preserving the western slopes of the Peninsula as protected open space, providing interpretive facilities to highlight the Peninsula’s unique amenities. and establishing the Bay Trail along the shoreline.”

ANALYSIS OF ALTERNATIVES AND MITIGATION MEASURES

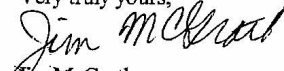
Once the Commission has correctly identified the impacts on recreation and land use conflicts as significant, it is your responsibility to examine alternatives that might avoid those impacts. If none of those alternatives are feasible, then the Commission must turn to mitigation measures that would reduce the impact. Even if mitigation measures will not reduce the impact to a level that is less than significant, all feasible mitigation measures still must be adopted. We urge the Commission to consider off-site improvements to recreational access to and along the water, and along the shoreline. It is extremely important to user groups that the Commission’s reasoning on feasibility be established, along with the apparent economic benefits of the lease extension, so we can comment in a meaningful way about your conclusions regarding feasibility.

4-4

CONCLUSION

The DEIR includes only cursory analysis of the recreational impacts of a thirty year extension of the lease. It also ignores a number of critical legislative standards in developing thresholds of significance that allow it to essentially dismiss significant impacts. Unless these flaws are cured by preparing a new DEIR and recirculating that document, or mitigating those impacts to a level of significance, it fails to meet the legal standards of sufficiency. Those who advocate mitigation of these impacts are willing to meet to discuss appropriate mitigation measures that might avoid a prolonged dispute.

Very truly yours,


Jim McGrath

cc: Bruce Beyaert – TRAC
Laura Thompson, Bay Trail
Dave Dolberg, Bay Access
Lee Huo - ABAG
Brad Olson - EBRPD
Joe LeClair - BCDC

Response to Comment Set #4

4-1

Section 15125(a) of the State CEQA Guidelines states, in part, “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” As the commenter observes, the Long Wharf has been in existence for over 100 years. It is, therefore, defined as part of the existing environment.

See also response to Comment 3-1.

4-2

Watercraft of all types have been excluded from the waters within the leased property for over 100 years. As indicated above, this was the existing environment at the time of NOP publication and no changes are proposed to the affected facility. Section 15025(a) of the State CEQA Guidelines further provides, in relevant part, “This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” Accordingly, there is no new impact to recreational boating resulting from the proposed Project.

4-3

Please refer to responses to Comments 3-3, 3-4, 3-5, 3-6, 3-7, 3-8 and 3-9.

4-4

See responses to Comments 3-1, first paragraph, and 3-15.